Michael Cukor mcukor@mcgearycukor.com Vincent McGeary vmcgeary@mcgearycukor.com

MCGEARY CUKOR LLC

7 Dumont Place Morristown, NJ 07960

Telephone: (973) 339-7367 Facsimile: (973) 200-4837

John D. Simmons (pro hac vice) jsimmons@panitchlaw.com
Dennis Butler (pro hac vice) dbutler@panitchlaw.com
Keith Jones
kjones@panitchlaw.com com

PANITCH SCHWARZE BELISARIO & NADEL LLP

Wells Fargo Tower 2200 Concord Pike, Suite 2800 Wilmington, DE 19083

Attorneys for Defendants Emerson Quiet Kool Co., LTD., and Home Easy LTD

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

EMERSON RADIO CORPORATION,

Plaintiff,

Civil Action No. 2:17-cv-05358-SDW-ESK

 ν .

EMERSON QUIET KOOL CO. LTD. and HOME EASY LTD.

Defendants.

DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO JOIN A REQUIRED PARTY

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that on November 16, 2020 at 9:00 a.m., or as soon as counsel may be heard, Defendants Emerson Quiet Kool Co. Ltd. and Home Easy Ltd. will move this Court to dismiss this case for failure to join a required party, namely Emerson Electric Co.

In support of this Motion, Defendants rely on the accompanying Brief.

A proposed form of Order is submitted herewith.

Dated: October 21, 2020 By: Michael Cukor/s

Michael Cukor Vincent McGeary

McGeary Cukor LLC

7 Dumont Place

Morristown, NJ 07960

Telephone: (973) 339-7367 Facsimile: (973) 200-4837

mcukor@mcgearycukor.com vmcgeary@mcgearycukor.com

John D. Simmons (*pro hac vice*) Dennis Butler (*pro hac vice*)

Keith A. Jones

PANITCH SCHWARZE BELISARIO

& NADEL LLP

Wells Fargo Tower

2200 Concord Pike, Suite 2800

Wilmington, DE 19083

Telephone: (302) 394-6030

Facsimile: (215) 965-1331

Attorneys for Defendants Emerson Quiet Kool Co., Ltd., and Home Easy Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2020, a true and correct copy of

DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO JOIN A

REQUIRED PARTY was served upon the following via ECF notification:

Susan Okin Goldsmith McCarter & English, LLP Two Tower Center Blvd., 24th Floor East Brunswick, NJ 08816 sgoldsmith@mccarter.com

Mark H. Anania
Carissa L. Rodrigue
MCCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
manania@mccarter.com
crodrigue@mccarter.com

Lisa T. Simpson
Nina Trovato
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019-6142
lsimpson@orrick.com
ntrovato@orrick.com

Michael Cukor /s
Michael Cukor